

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	<b>CASE NO. CME-T-04-1</b>
<b>COMTECH 21, LLC FOR A CERTIFICATE OF</b>	)	
<b>PUBLIC CONVENIENCE AND NECESSITY</b>	)	<b>NOTICE OF APPLICATION</b>
<b>TO PROVIDE LOCAL EXCHANGE</b>	)	
<b>TELECOMMUNICATIONS SERVICES.</b>	)	<b>NOTICE OF MODIFIED</b>
	)	<b>PROCEDURE</b>
	)	
	)	<b>ORDER NO. 29548</b>

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**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that on February 12, 2004, Comtech 21, LLC ("Comtech 21" or "Company") filed an Application for a Certificate of Public Convenience and Necessity to resell and provide facilities-based local exchange services throughout the State of Idaho. Principally located in Wallingford, Connecticut, Comtech 21 is incorporated in Delaware and has no office located in the State of Idaho.

YOU ARE FURTHER NOTIFIED that Comtech 21 intends to provide resold and facilities-based local exchange service utilizing the unbundled network element platforms ("UNE-P"). Such services will be provided by utilizing the facilities of incumbent local exchange carriers ("LECs") Qwest North, Qwest South, and Verizon, as well as unbundled network elements. However, the Company does not intend to service areas serviced by any LECs that are eligible for a small or rural carrier exemption pursuant to Section 251 of the federal Telecom Act of 1996. Although it had not initiated interconnection or resale negotiations at the time of its Application, Comtech 21 intends to provide service upon certification and finalization of interconnection agreements with the LECs.

YOU ARE FURTHER NOTIFIED that the Company has no current plans to install facilities in Idaho but may do so in the future. However, the nature and extent of the facilities to be utilized has yet to be determined. Comtech 21 intends to provide all forms of intrastate local exchange telecommunications services including: 1) local exchange services for business and residential customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features; 2)

NOTICE OF APPLICATION  
 NOTICE OF MODIFIED PROCEDURE  
 ORDER NO. 29548

switched local exchange services such as flat-rated and measure-rated local services, vertical services, direct inward and outward dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future; 3) non-switched local services (e.g., private line) that currently exist or will exist in the future; 4) Centrex and/or Centrex-like services that currently exist or will exist in the future; and 5) digital subscriber line, ISDN, and other high capacity line services.

YOU ARE FURTHER NOTIFIED that Comtech 21 has reviewed the Commission's laws and regulations applicable to local exchange service providers in Idaho and will provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the federal Act.

YOU ARE FURTHER NOTIFIED that Comtech 21 will not require advance payments or deposits. Therefore, no escrow account is being filed.

#### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission **within 21 days of the service date of this Order**. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
1720 Windward Concourse, Suite 250  
Alpharetta, GA 30005  
Email: [lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

Street Address for Express Mail:

472 W. Washington Street  
Boise, ID 83702-5983

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at [www.puc.state.id.us](http://www.puc.state.id.us). Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application together with supporting workpapers, testimonies and exhibits, have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices.


YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Titles 61 and 62 of the *Idaho Code* and that the Commission may enter any final Order consistent with its authority under the *Idaho Code*.

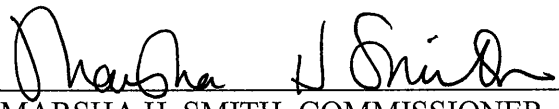
YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

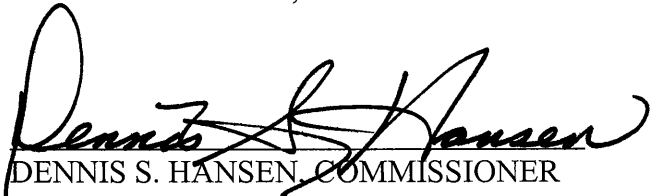
### **ORDER**

IT IS HEREBY ORDERED that the Application of Comtech 21, LLC for a Certificate of Public Convenience and Necessity be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so no later than 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26<sup>th</sup>  
day of July 2004.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean Jewell  
Commission Secretary

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